

UNDER

the Resource Management Act 1991

IN THE MATTER

of a request to Kaipara District Council for Private Plan Change 81: Dargaville Racecourse by the Dargaville Racing Club Inc

**SUPPLEMENTARY SUMMARY STATEMENT OF VENESSA ANICH ON
BEHALF OF THE APPLICANT IN RESPONSE TO ADDENDUM S42A
REPORT AND SUBMITTERS' EVIDENCE**

PLANNING

27 MARCH 2023

1. INTRODUCTION

1.1 This is supplementary summary statement for the Commissioners hearing Private Plan Change 81 ('PC81'). This summary provides a planning response to:

(a) Addendum to s42A Planning Report dated 24 March 2023;

(b) Evidence from Awakino Point Rate Payers Inc, Waka Kotahi, Northland Transportation Alliance, Te Kuihi, Fire and Emergency New Zealand, and Ministry of Education circulated after preparation of my primary evidence.

2. Ministry of Education (MoE)

2.1 MoE have provided a letter (dated 21 March 2023) to be tabled at the hearing supporting in part the position of the reporting officer in the s42A Report for the inclusion of enabling provisions for educational facilities. MoE include a table identifying the amendments to the Trifecta Development Area (TDA) provisions they seek.

2.2 I confirm that my position, as stated in my evidence (dated 10 March 2023, para 12.91 – 12.98) has not changed. To summarise:

- I consider that 'Educational Facilities' are already adequately included within TDA definitions under 'Community Facilities', and therefore are adequately provided for within the TDA objectives and policies;

- I do not support Educational Facilities being established within the Large Lot Residential Area (LLRA) as this is not an appropriate outcome for this Area;
- I consider Educational Facilities could be provided for with General Residential Area (GRA) but only if MoE provide the additional upgrade to the SH14/Awakino Point North Road intersection required to mitigate the additional traffic generated by this activity.

3. Fire and Emergency New Zealand (FENZ)

3.1 FENZ have provided a letter (dated 14 March 2023) to be tabled at the hearing supporting the position of the reporting officer in the s42A Report for the inclusion of Plan Change 4 being applied to the TDA provisions.

3.2 I confirm my position has not changed from what was stated in my evidence (dated 10 March 2023, para 12.85 – 12.90) and as shown in the amended TDA provisions (dated 22 March 2023). To summarise:

- Dedicated onsite firefighting water supply is only required for sites that are not serviced by reticulated water infrastructure and associated fire hydrants. For the TDA that is LLRA only.
- LLRA provisions have been amended (22 March 2023 version) to ensure that an appropriate amount of dedicated firefighting water supply is stored onsite (refer TDA-LU-S5 Three Waters).

3.3 Both approaches are consistent with the Operative Kaipara District Plan Rules 12.10.26 (Rural zone), 13.10.26 (Residential zone) and 14.10.26 (Business zone), and how these rules have been implemented.

4. Te Kuihi

4.1 Te Kuihi have provided evidence regarding their mana whenua status, interests in the Racecourse site, the terms of the original sale of the site, and consultation undertaken for PC81.

4.2 I have no additional comments to add to my evidence (dated 10 March 2023, para 12.99 – 12.104).

5. Waka Kotahi

5.1 Waka Kotahi have provided evidence (dated 17 March 2023). Regarding the planning related matters, I confirm my position has not changed from what was stated in my evidence (dated 10 March 2023, para 12.66 – 12.84) and as shown in the amended TDA provisions (dated 22 March 2023). Points to note:

- The Signs section from the TDA provisions has been deleted, and reference added to the appropriate signs rule in the Operative Kaipara District Plan.
- An additional policy has been added – TDA.1.2.13.
- Ms Robins supports my opinion that enabling TDA provisions for Educational Facilities should only be included if the appropriate infrastructure upgrades are provided.
- I concur with Ms Robins' support for determining the form of the intersection upgrade as part of this Plan Change process, rather than at the resource consent stage, as recommended in the s42A Report.

5.2 I rely on the evidence and supplementary statement from Mr McKenzie regarding the other transportation matters raised by Waka Kotahi.

6. Northland Transportation Alliance (NTA)

6.1 Regarding NTA evidence and the termination point of the shared path, I support the position stated by Mr McKenzie, with the shared path connecting to the existing footpath at Tuna Street, thereby addressing the effects directly associated with the plan change.

7. Awakino Point Rate Payers Inc (APRP)

7.1 With regard to the evidence provided by Mr Cook on behalf of APRP (dated 17 March 2023), I confirm my position has not changed from what was stated in my evidence (dated 10 March 2023), in my Addendum to the evidence (dated 22 March 2023) and as shown in the amended TDA provisions (dated 22 March 2023).

7.2 An assessment of the site and the plan change proposal under the National Policy Statement for Highly Productive Land (NPS HPL) has

been provided with my Addendum Evidence. Clause 3.6(4) and (5) provide for HPL to be rezoned urban if three tests are met and the minimum area of HPL as possible is rezoned. My assessment concludes that the relatively small areas of HPL located on two edges of the site are appropriate to be rezoned urban, and this is the minimum area necessary.

7.3 Mr Cook quoted clause 3.4(5)(c) which provides guidance for when Regional Councils map HPL, stating small discrete areas of land that are not LUC 1, 2 or 3 may be included within the mapping if within a large and geographically cohesive area of LUC 1, 2 or 3. I refer the Commissioners to the following subclause (d), which is equally applicable to the site, given Awakino Point North Road and the State Highway separates the relatively small area of LUC 2 on the site from the larger area of LUC 2 over the wider Awakino Point area:

(5) For the purpose of identifying land referred to in subclause (1):

(d) small, discrete areas of LUC 1, 2 or 3 land need not be included if they are separated from any large and geographically cohesive area of LUC 1, 2 or 3 land.

7.4 Regarding higher order planning documents, I consider that the assessment provided of the Northland Regional Policy Statement (RPS) and the Operative District Plan is robust, undertaken in the Statutory Assessment for the Plan Change request (para 53 and 292 - 297), expanded in the response to the Request for Information from Council (dated 20 April 2022), and elaborated on in my evidence (para 12.30 – 12.45). I note that my assessment of the District Plan objectives was in relation to Part A: District Wide Strategy chapters only (further elaboration is in paragraph below).

7.5 Mr Cook quotes Issue 2.3.6 as relevant. The District Plan refers to Chapter 3 Land Use and Development Strategy for the related objectives and policies for this issue. A full assessment of PC81 against Chapter 3 was provided in the RFI response prior to notification.

7.6 As stated previously, I consider that PC81 is largely consistent with the Dargaville Spatial Plan. Industrial has been identified in the Spatial Plan on the site. I acknowledge that the other urban zones proposed were not. However, there is a high demand for housing in Dargaville, and as

identified in the Market Demand Report, this is an urgent need. There is a bow-wave of under supply of residential zoned land around Dargaville. The TDA residential neighbourhood has been designed to be a well-functioning urban environment with Hauora (community wellbeing) as an over arching principle. The shared path will provide another connection to town, and this is also identified in the Spatial Plan. This is not an ad hoc development as the Spatial Plan identified urban growth in this location.

- 7.7 I note that my s32 evaluation of the objectives of the TDA is consistent with s32(1)(a) and the definition of 'objective' in s32(6) – '*objectives*' mean:

' ... for a proposal that contains or states objectives, those objectives'.

- 7.8 Pursuant to s32(3)(b), the objectives of the District Plan (existing proposal) were only evaluated to the extent that those objectives are relevant to the objectives of the TDA (amending proposal). Because TDA was designed to be a (mostly) stand-alone chapter in the District Plan, an assessment of the relevant District Plan objectives was restricted to Part A: District Wide Strategy chapters (refer para 298 – 315 of Statutory Assessment, and RFI response to Council dated 20 April 2023).
- 7.9 I consider that all effects of the proposal have been appropriately avoided, remedied or mitigated, as demonstrated in the Assessment of Environmental Effects section of the Statutory Assessment.
- 7.10 The issue of reverse sensitivity is comprehensively addressed in the Statutory Assessment (para 197 - 211) and my evidence (para 12.2 – 12.20). I consider that the reverse sensitivity mitigation measures proposed are thorough, being a combination of screen planting, fencing and setbacks. While the screen planting and fencing are dual purpose with regard to also mitigating landscape and visual effects, I consider that they equally serve as an appropriate mitigation measure for reverse sensitivity when combined with setbacks. Mr Cocker agrees with this, in his evidence (para 23.19).
- 7.11 I clarify that noise was not the focus of the assessment of potential reverse sensitivity effects, nor the focus of the measures proposed address all potential effects. Noise was one part of the consideration of a suite of

potential effects. I do not consider it is warranted to have noise insulation requirements and the associated mechanical ventilation. The Whangarei District Plan rule Mr Cook refers to NAV.6.5.3, only applies to sensitive activities establishing within mapped Rail and State Highway Noise Control Boundaries. It does not apply to houses close to the Rural Production Zone. Therefore, I question its applicability to PC81. I note that Mr Cook has not provided a s32AA evaluation of his suggested amendment.

- 7.12 I note that Policy 9 of the NPS HPL requires reverse sensitivity effects to be managed not avoided. Given this is a higher order planning document than the RPS or District Plan, I consider the 'manage' approach to reverse sensitivity provided for in PC81 is appropriate.
- 7.13 Natural hazards are not present on the site. Mr de Wet clarifies in his evidence (para 3.5) that the small internal area mapped as Flood Hazard is due to a localised depression in the terrain and not truly flood susceptible as suggested by the model. Consideration of Chapter 7 Natural Hazards and rules setting minimum floor levels above flood levels are not required.
- 7.14 Mr McKenzie will address the transportation related matters raised by Mr Cook. I clarify that the land use trigger for the upgrade to the local road/SH14 intersection is TDA-LU-S4 Transport, with the first part of this standard for the Light Industrial Area and the second part for the General Residential Area.
- 7.15 Regarding who bears the cost of infrastructure upgrades or extension to service a development, I refer to para 12.105 of my primary evidence.

8. Addendum to S42A Report

- 8.1 An addendum to the s42A Report was provided by Council's reporting officer (dated 24 March 2023). I confirm that following a review of the s42A Addendum, my position has not changed from what was stated in my evidence (dated 10 March 2023), in my Addendum to the evidence (dated 22 March 2023) and as shown in the amended TDA provisions (dated 22 March 2023).
- 8.2 I make the following clarifications regarding Ms Cowan's review of my assessment of the three 'tests' under clause 3.6(4) of the NPS HPL.

- 8.3 Regarding para 47 in the s42A Addendum, I included consideration of the contribution from infill or intensification of existing residential zoned areas in Dargaville as part of the (b) test. My reading of Clause 3.6 is that the role of infill is an answer to subclause (b), not subclause (a), that is, where else could demand be located, rather than is there demand. I consider infill will contribute to meeting the demand for housing, but this is unlikely to deliver the volume of housing required (compared to greenfield developments) because it will only generate small-yield subdivisions, and existing residential properties often have constraints like the central location of the existing built form on the site or access issues.
- 8.4 Equally, in response to para 48 of the s42A Addendum, in my opinion consideration of opportunities for greenfield development in the wider locality is a subclause (b) consideration, not subclause (a). I have considered this matter in relation to greenfield residential neighbourhoods identified in the Spatial Plan (Neighbourhoods 5 and 6).
- 8.5 I consider that my assessment of subclause (a) has been satisfied with a clear demonstration of demand for housing and business land.
- 8.6 Whether or not Ms Cowan and I agree about which sub-clause the assessment should fall under, I expressly considered these matters in my assessment of clause 3.6.
- 8.7 Equally, I consider my assessment of subclause (b) has demonstrated there are no other reasonably practicable and feasible options for residential and industrial growth. The PC81 site is the only flood free 'New Industrial' land identified in the Spatial Plan (Neighbourhood 7). I have discussed the constraints and limitations of infill growth for residential areas. These constraints are exacerbated for Industrial land given the room need for industrial businesses that infill generally does not deliver.
- 8.8 Using the definition of 'feasible' from the National Policy Statement for Urban Development, as the NPS HPL Guide to Implementation states, this means commercially viable to a developer (full definition in my Addendum). PC81 has been determined to be commercially viable to be developed.
- 8.9 Regarding subclause (c), an assessment of the benefits and costs has been provided. Ms Cowan mistakenly stated that an assessment of the

costs had not been provided (para 53), and therefore, without substantive evidence being presented, she considers that PC81 fails the test in subclause (c). However, as this assessment was expressly included, I consider that subclause (c) has been satisfied.

- 8.10 Overall, in my opinion, the burden of proof required by Clause 3.6(4) has been met and the relatively small areas of LUC 2 and 3 on the site can be rezoned urban.
- 8.11 Regarding clause 3.6(5), Ms Cowan does not consider that this has been addressed in detail in my Addendum evidence. I disagree with this position and consider that the minimum necessary of LUC 2 and 3 land has been taken out of primary production to provide for the required development capacity and a well-functioning urban environment.
- 8.12 Given the relatively small areas of LUC 2 and 3 on the edges of the site, I do not consider an alternate TDA layout that provides for land based primary production in those areas is feasible, while delivering a well-functioning urban environment. I did however expressly consider whether alterations to layout (access via SH14, access via the south-east corner of the site) would achieve a well-functioning urban environment.
- 8.13 Regarding the s32 evaluation and only considering the objectives of PC81 (para 61 of Ms Cowan's addendum), I refer the Panel to my discussion above to Mr Cook (para 7.7). My s32 evaluation of the objectives of the TDA is consistent with s32(1)(a), the definition of 'objective' in s32(6) and s32(3)(b), given the TDA has been deliberately drafted to be an (almost) stand alone chapter to the Operative Kaipara District Plan.
- 8.14 I consider the provisions do contain the level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal. Ms Cowan offers one example of her concern (para 65), regrading Objective TDA.1.1(2). I remain open to refining the objectives and policies if the Commissioners identify any amendments.

Venessa Anich

27 March 2023